



Department of
Environmental
Conservation

SEQRA's Environmental Assessment Forms

Using the Short Form to Evaluate Projects

Purpose of SEQRA

Incorporate consideration of “**environmental factors**” into an agency’s decision-making process at the earliest possible time

Legal History of SEQRA

Carried out through Part 617 of the New York Codes of Rules and Regulations

Became law on August 1, 1975

What Does SEQRA Say?

- “No agency involved in an **“action”** may undertake, fund or approve the “action” until it has complied with the provisions of SEQRA”
- What is an **“Agency”** as defined here?
- A public body- elected and appointed
- Includes state departments, local boards, districts, governing bodies and public authorities



What is an “Action?”

- Undertaking
- Funding or
- Approving a discretionary action or decision

It may include a combination of actions

Examples:

- A town **constructing** a new town hall (directly undertaking an action)
- A state agency **funding** a local housing project (funding)
- A planning board **approving** a subdivision



How Do You Classify an Action?

Three types of Actions Under SEQRA

- Type II
- Type I
- Unlisted

Type II

Not subject to SEQRA

List available in Part 617 to help determine if “action” is a Type II

Classification as Type II concludes SEQRA

Examples:

- 1, 2 or 3-family homes on approved lots
- Issuance of an area variance
- Most maintenance or repair to buildings



Type I

More likely to have adverse impacts on environment

More likely to require an environmental impact statement (EIS)

List available in 617 NYCRR

Must continue with SEQRA process



Type I

Examples of Type I Actions:

- Purchase, sale or transfer of more than 100 acres by state or local agency
- New zoning ordinance or comprehensive plan
- In a municipality of 150,000 persons or less, a non-residential facility with more than 100,000 square feet of gross floor area



Unlisted Actions

- Not on Type 1 or Type 2 lists; fall below Type 1 threshold
- Require that SEQRA continue
- Largest category of actions subject to SEQRA
- Actions range from minor use variances to complex construction activities



Unlisted Actions

Examples of Unlisted Actions:

- Parking for less than 1000 cars
- New, non-residential use of 10 acres or less
- In a municipality of less than 150,000, construction of less than 250 housing units to be connected to community sewer and water systems
- In a municipality of less than 150,000, construction of a facility with less than 100,000 square feet
- If any of these thresholds **are EXCEEDED**, the action becomes a **Type I Action**



Lead, Involved and Interested Agencies

Involved Agency -public body which undertakes, funds or approves proposed action

Lead Agency - involved agency which coordinates the SEQRA review

- responsible for determining whether an environmental impact statement will be required.

Interested Agency -public body not undertaking, funding or approving the proposed action

- wishes to participate in the process because of its expertise or specific concerns
- Sierra Club, Audubon, Conservation Advisory Council etc.



Lead Agency Responsible for SEQRA Review

- **Involved agency** with the most interest, involvement and concern about the proposed action
- Responsible for reviewing environmental assessment form (EAF)
- Responsible for determining **if an environmental impact statement must be prepared**
- Must determine significance within 20 days of being named “lead agency”



Environmental Assessment Form (EAF)

Key to SEQRA Review

Three parts to EAF

➤ Part 1

- Site and Project Descriptions
- Project Sponsor/Applicant Completes

➤ Part 2

- Potential Impacts and Magnitudes
- Lead Agency Completes

➤ Part 3 (may be optional)

- Importance of Impacts Identified in Part 2
- Lead Agency Completes, if necessary



Environmental Assessment Form

- Two Types-Short and Full/Long Environmental Assessment Forms (EAF)
- **Unlisted Actions**- may use short form, but lead agency can require applicant to use full/long form
- **Type I Actions**- must complete full EAF
- Both have **Parts 1, 2, and 3.**
- Lead agency can require **supplemental information to EAF** if needed to make determination of significance



Environmental Assessment Forms

- **Short EAF** can be completed without assistance from outside consultant
- **Short EAF** can be used **more frequently** for Unlisted Actions because it has more questions and goes into more depth
- Can be used for anything that's **not a Type I Action**



Environmental Assessment Forms

- More items are now **Unlisted** than a few years ago when revisions to SEQRA occurred
- Consultants may still need to be used for parts of the Full/Long EAF
- **Short EAF is now used for a vast majority of projects due to its broader scope and more in-depth questions**



Answers to Part One are Completed by Applicant

- If any answers in Part I seem untrue, meet with applicant to discuss and have him revise
- Don't accept **answers that are inaccurate**, based on hard facts you have
- **Lead agency** is ultimately responsible for Parts 1, 2 and 3 of EAF.
- Lead agency can and should **require supplemental information to EAF** if needed to make determination of significance



Using Short Form EAF to Review Projects

- Short EAF is available in “fillable format” -- meaning DEC will answer and populate certain questions in **Part I of the form.**
- Answers are to Part I questions; questions that must be answered by the APPLICANT, not the LEAD AGENCY
- DEC searches for answers to certain questions and fills in answers based on location provided
 - **Example- Is property in a wetland?**
 - **Is the site a former remediated site?**
 - **Are there threatened or endangered species on site?**



Part 2 of the EAF Lead Agency Responsibility

Part 2 requires lead agency to identify each impact as either “**none/small impact**” or “**moderate to a large impact**”

Examples:

- Does action **impair natural resources**?
- Does action **increase potential** for erosion, flooding, drainage problems?
- Does action **create hazard to environmental resources or human health**?
- Will there be **remediation for hazardous materials** on site?



EAF Part 2 Answers

None to Small Impact Examples:

- There will be a small impact to **community character** because of concerns over consistency with existing architectural and aesthetic resources (Question # 3)
- **Historic /Archaeological resources on site**, but no major changes will occur. Location where resources exist will be avoided, for example (Question #8)
- **Wetlands in the vicinity** of the project, but a site-specific inventory shows there are none on the project site (Question #8)
- **Minor disturbances to traffic** will occur, but they won't alter the level of traffic services (Question # 5)
- **Historic preservation permits** have been issued that are in compliance with the local historic preservation code (Question # 8)



EAF Part 2 Answers

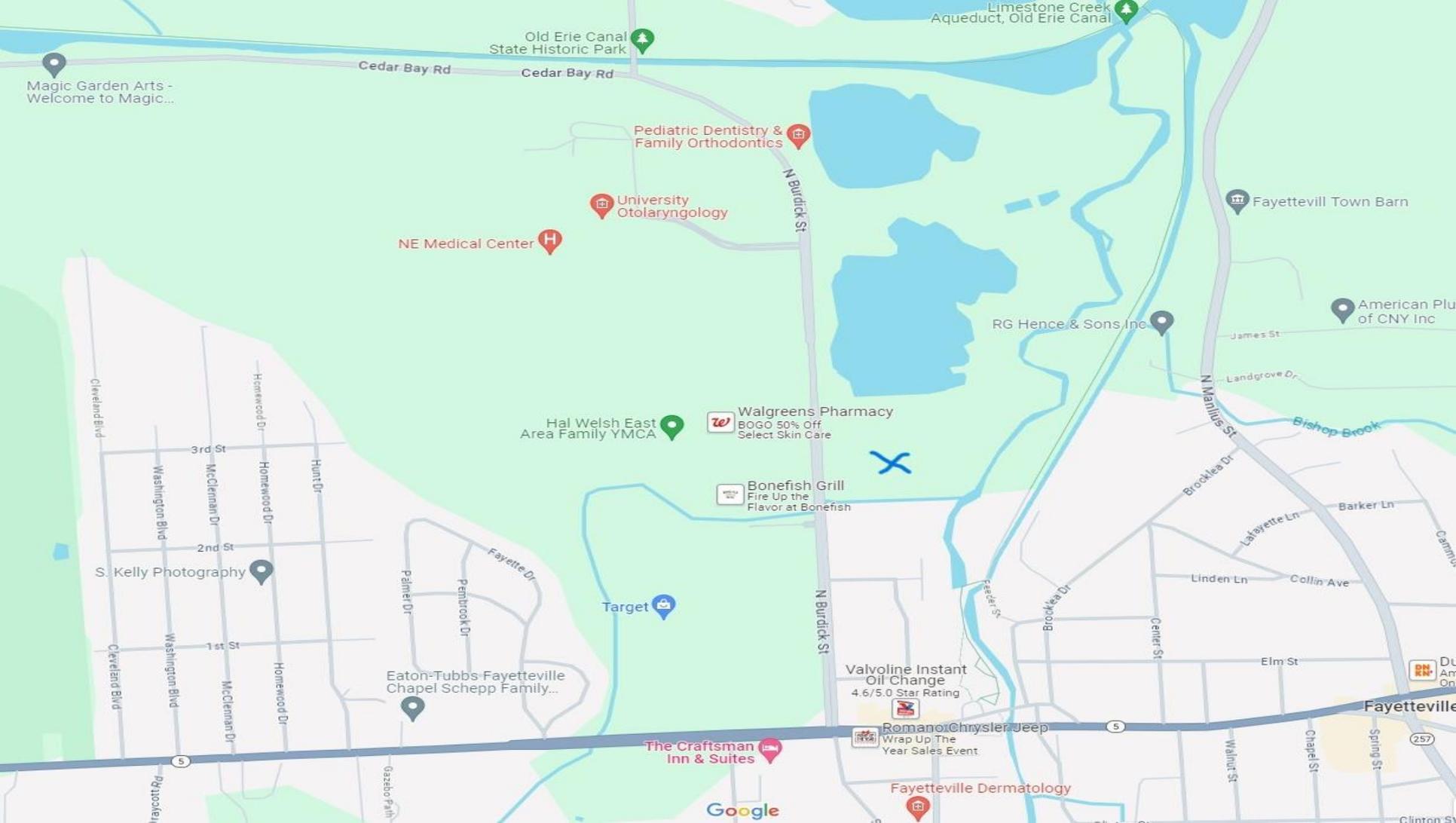
Moderate to Large Impact Examples:

- **Historic structures will be demolished** or relocated (Question # 8)
- Historic structures to be remodeled in a way that **destroys or damages historic value** (Question #8)
- Proposed action will **increase flooding potential** in the project area (Question # 10)
- Proposed project **requests a land use not permitted by existing zoning** (Question # 1)
- Proposed action will **damage or reduce the number of threatened species** in the area (Question #9)
- Project **changes the character or view** of important aesthetic resources (Question #2)



Hypothetical Project Town of Manlius North Burdick Road





Magic Garden Arts - Welcome to Magic...

Old Erie Canal State Historic Park

Limestone Creek Aqueduct, Old Erie Canal

Cedar Bay Rd

Pediatric Dentistry & Family Orthodontics

University Otolaryngology

NE Medical Center

Fayetteville Town Barn

American Plu of CNY Inc

RG Henc & Sons Inc

James St

Landgrove Dr

Bishop Brook

Hal Welsh East Area Family YMCA

Walgreens Pharmacy
BOGO 50% Off Select Skin Care

Bonefish Grill
Fire Up the Flavor at Bonefish

Target

Eaton-Tubbs Fayetteville Chapel Schepp Family...

Valvoline Instant Oil Change
4.6/5.0 Star Rating

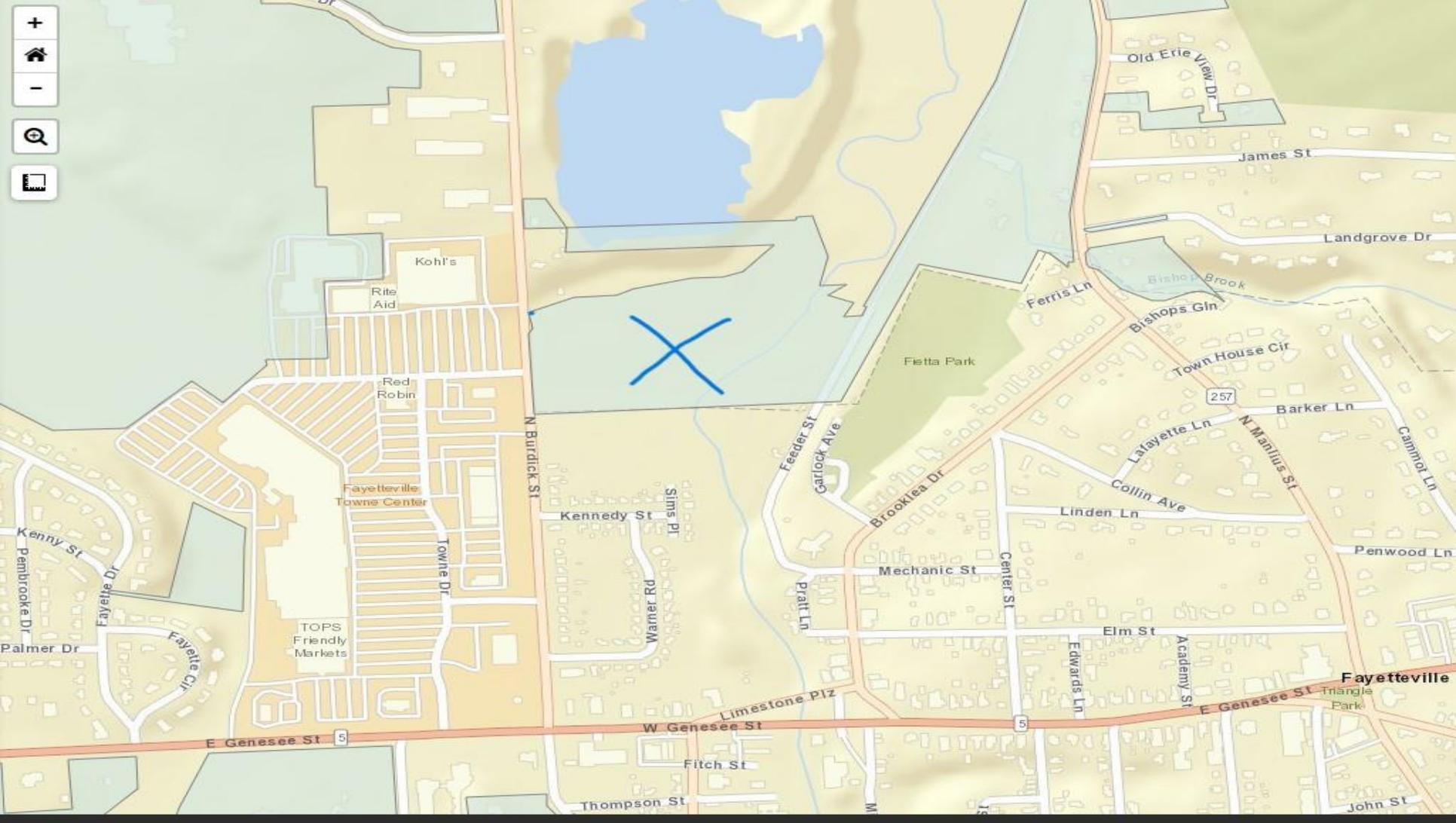
Romano Chrysler Jeep
Wrap Up The Year Sales Event

The Craftsman Inn & Suites

Fayetteville Dermatology

Fayetteville

Google



Kohl's

Rite Aid

Red Robin

Fayetteville Towne Center

TOPS Friendly Markets

N Burdick St

Kennedy St

Wamer Rd

Sims Rd

Feeder St

Garlock Ave

Brooklea Dr

Mechanic St

Limestone Plz

W Genesee St

Fitch St

Thompson St

Center St

Linden Ln

Elm St

Edwards Ln

Academy St

Ferris Ln

Bishop's Gln

Town House Cir

257

Lafayette Ln

Collin Ave

Barker Ln

N Marilla St

Camden Ln

Penwood Ln

Fayetteville Triangle Park

E Genesee St

John St

Old Erie View Dr

James St

Landgrove Dr

Bishop's Brook

Fetta Park

What is the Zoning on the Parcel?

- Green color indicates “**Restricted Agricultural District**”
- It does not allow commercial development
- Developer wants to market the property for commercial purposes.
- Wants to construct a strip mall and rent it out to various businesses



Find address or place



N Burdick St

4.5

37.-01-24.1

37.-01-23.1

N Burdick St

086.-02-04.1

086.-02-03.0

086.-02-06.1

086.-02-01.0

086.-02-02.1

086.-03-10.0

008.-01-28.0

Limestone Creek

Limestone Creek

Limestone Creek

007.-03-60.1

007.-03-58.1

Feeder St

008.-01-30.0

007.-01-19.1

007.-01-19.2

007.-03-58.2

008.-01-01.1

007.-01-18.0

007.-01-17.0

007.-03-59.0

007.-03-57.0

008.-01-29.1

008.-01-06.0

008.-01-05.0

Map navigation controls including zoom in (+), zoom out (-), home, print, and other utility icons.





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Google

Options

- Developer asks for a **zoning change** knowing he stands a better chance than a **use variance**.
- Commercial property across the street and north of him.
- Zoning there is: **Commercial District B** and **Neighborhood Shopping District**
- Asks for **Neighborhood Shopping District** designation for his land

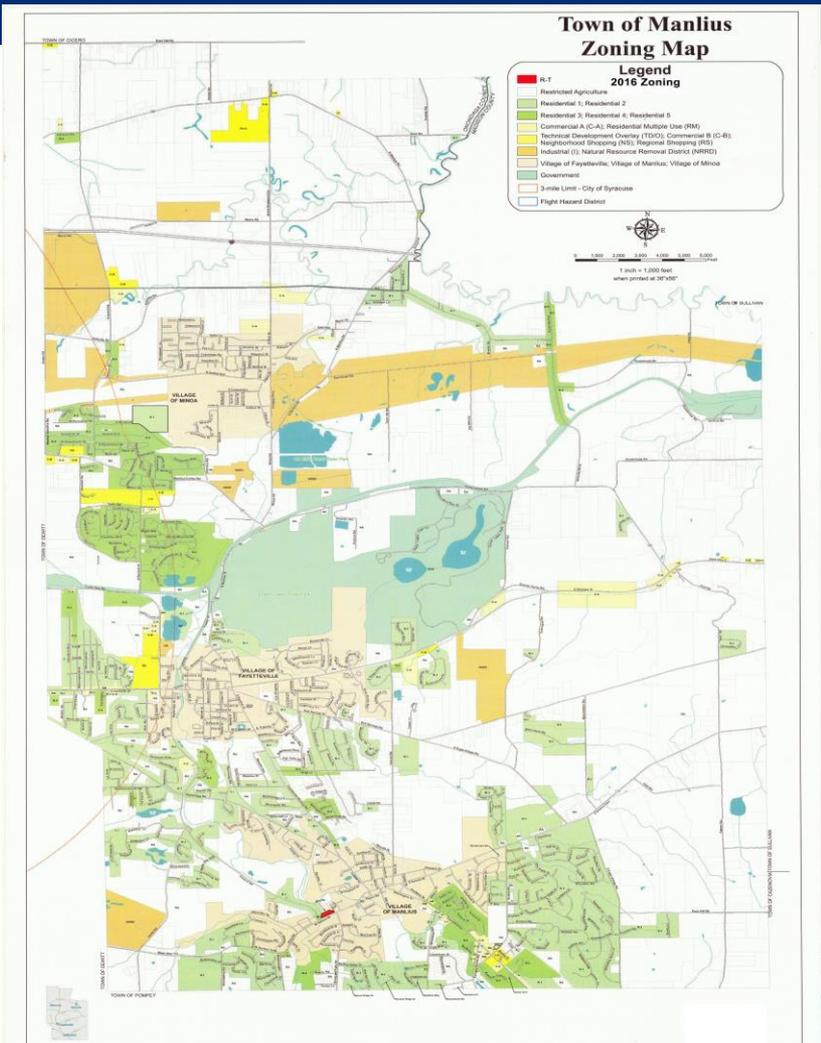


Players in SEQRA Review

- Town Board (zoning change)
- Planning Board (site plan review)
- DEC- State Regulated Wetlands Check Zone
- He'll also need to procure water through sewer through Onondaga County
- **Town Board will be the lead agency** under SEQRA because the zoning change is the most significant permit under consideration



Zoning Map of the town of Manlius



Town of Manlius

Zoning Map



Legend

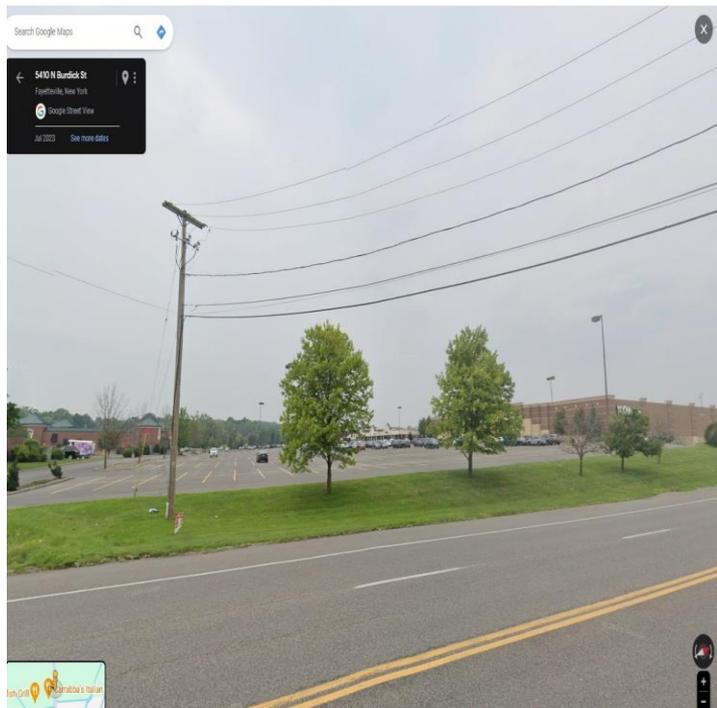
2016 Zoning

-  R-T
-  Restricted Agriculture
-  Residential 1; Residential 2
-  Residential 3; Residential 4; Residential 5
-  Commercial A (C-A); Residential Multiple Use (RM)
-  Technical Development Overlay (TD/O); Commercial B (C-B);
Neighborhood Shopping (NS); Regional Shopping (RS)
-  Industrial (I); Natural Resource Removal District (NRRD)
-  Village of Fayetteville; Village of Manlius; Village of Minoa
-  Government
-  3-mile Limit - City of Syracuse
-  Flight Hazard District



Developer's Argument

- He's surrounded by **two commercial zoning districts** on either side of his land
- He's across the street from a **major shopping mall**
- The land will never be used for agricultural purposes; it's too small at 14 acres
- Of all the allowed uses in the Restricted Agricultural District, only a hospital might locate there.



Developer's Argument

- No one will build residential units on the land, as it is surrounded by the mall and car dealerships and the medical center to the north
- In fact, developer says he has been spot zoned by the town which is unlawful
- Developer says he meets the criteria for the Neighborhood Shopping district.
- He needs no area variances and has sufficient room for parking and the building.



Typical 40,000 sq. ft. shopping plaza



Type of Action

- Action is an Unlisted one, as **less than 25 acres is proposed for being rezoned**
- Short form EAF can be used



Developer's Answers to EAF Part I Questions

Developer's Answers to EAF Part I Questions

- Site is **not** in a **Critical Environmental Area**
- Existing **roads can handle traffic increase**
- There is **sufficient capacity** for site to tap into **county water and sewer**
- **Not in the 100-year flood plain**
- **Stormwater** discharges will be **held on site** via a detention pond; won't flow off site
- Site is not in a designated wetlands



Developer's Answers to EAF Part I Questions

- Developer will **landscape the area** and use building **materials that fit** in with the natural area around it
- Developer will provide an estimate to the town as to the **increase in taxes** the shopping center will create.
- Developer states he already has **four interested** parties who want to move into the shopping plaza. Once the zoning and site plan is approved, they are **ready to sign a contract for a five-year lease**.
- **No structures** on or near site listed on the **State or National Register of Historic Places**



Specific Answers to Part 2 Questions

Town Board's Work

Q: Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Answer: Yes, a moderate to large impact will occur because this use is not allowed in the district.

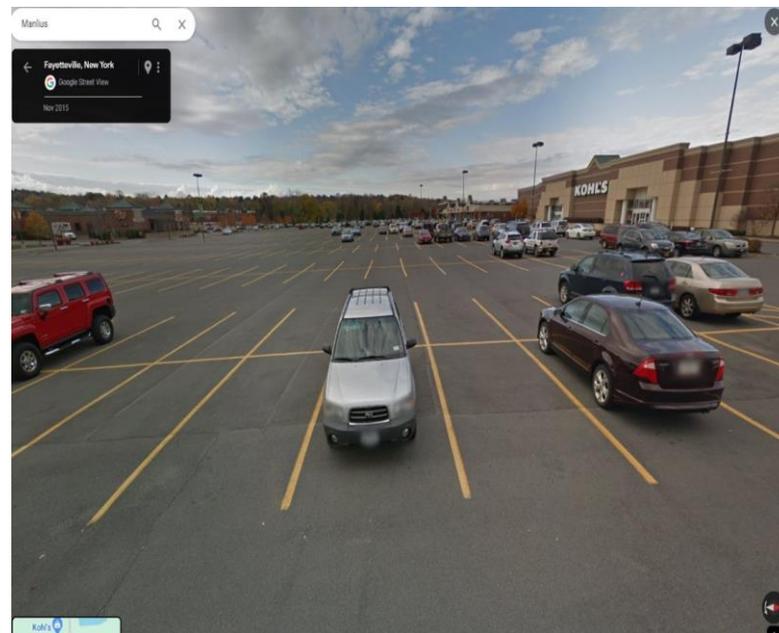


Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action result in a change in the use or intensity of use of land?

Answer: Yes, moderate to large impact.

- The land is currently wooded and vacant. Land will become commercial with buildings and blacktop



Specific Answers to Part 2 Questions

Town Board

Q: Will the proposed action impair the character or quality of the existing community?

Answer: The area is already commercially developed to the north, south and east. The intensity of development to the south is especially large

None to Small Impact



Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Answer: No, **the area is not a CEA.**



Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Answer: None to small impact

- The increase in the number of vehicles on North Burdick Road and East Genesee is not expected to increase traffic levels beyond what current traffic lights and traffic lanes can handle.
- Traffic will be scattered throughout the day with peak times being 11-2 pm on Saturdays.
- The project will not impact mass transit, biking or walkway. There's little to no biking on this road and no one walks it.



Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

- **Answer:** **None to Small impact.** The developer has indicated that it will use energy efficient components in the construction of buildings including **heat pumps** and solar panels on the roof of the building.



Heat Pump

Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action impact existing: a. public / private water supplies?
b. public / private wastewater treatment utilities?

Answer: No, **None to Small impact.**

- The developer has already conferred with the county water authority and the county solid waste authority and there is sufficient capacity to tie into both of these utilities



Specific Answers to Part 2 Questions

Town Board

Q: Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Answer: No, the area has no historic or archeological sites. **None to Small impact.**



Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action result in an **adverse change to natural resources** (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

- Answer: There is a small stream that runs through the back side of the property. It is not regulated by DEC and has no endangered species in it or around it.
- The developer plans to pipe the stream and allow the water to run naturally under the porous pavement that will be used in the back of the building.
- The site plan map prepared as part of the application shows this proposed work

Answer: None to Small Impact



Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

- **Answer:** **None to Small Impact.** The developer will contain all additional runoff on site. The area is not in a floodplain. The developer will have a stormwater runoff plan prepared by an expert engineer addressing these issues.



Stormwater Containment Area

Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action create a hazard to environmental resources or human health?

Answer: No. **None to Small impact.**



Lead Agency's Information

Part III

For each **moderate to large** impact further discussion required:

1. **Zoning Change Issue:** The town must look closely at its comprehensive plan and zoning ordinance to determine if a zone change here will result in **spot zoning**.

It must also decide if such a change would result in an improvement for the town and look to see **whether other parcels should be re-zoned** if a zoning change is granted here.



Lead Agency's Information

Part III

2. Change in Intensity of Use: The change from agricultural woodland to commercial, is something to be expected along this road, as development has been creeping north for years from the village of Fayetteville.

With two car dealerships, the Medical Center, and a large mall with out buildings located across the street residential/ agricultural zoning for this parcel makes no sense.



Two Types of Determinations

Negative Declaration

- Action will have no significant adverse environmental impact
- Result: Ends SEQRA process

Positive Declaration

- Action has potential to cause or result in at least one significant adverse environmental impact
- Result: Environmental Impact Statement must be prepared



Decision of Lead Agency

- Developer has agreed to seek a review from the DEC for review of potential wetlands outside the official wetlands boundary.
- Developer is using **energy reducing techniques** in the building and will be using installing a heat pump system and solar panels which will significantly reduce heating and cooling loads
- Town has agreed that **rezoning** of this property due to its location across from a major shopping plaza and other commercial uses is necessary and **does not constitute spot zoning**.



SEQRA Resources on the DEC Website

- General SEQRA Information
<http://www.dec.ny.gov/permits/357.html>
- Stepping Through SEQRA- Sequential Information on SEQRA
<http://www.dec.ny.gov/permits/6189.html>
- SEQRA Handbook (Updated)
https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/seqrh_andbook.pdf
- SEQRA Forms – https://dec.ny.gov/regulatory/permits-licenses/seqr#EAF_Part_1
- The EAF Mapper- <https://gisservices.dec.ny.gov/eafmapper/>



For More Information

NYS Department of Environmental Conservation, Division of Environmental Permits

625 Broadway, Albany, NY 12233

518-402-9167

<http://www.dec.ny.gov/permtis/357.html>

NYS Department of State Division of Local Gov't

One Commerce Plaza

99 Washington Ave

Suite 1015

Albany, NY 12231

518-473-3355

518-474-6740 (Legal)

<http://www.dos.state.ny.us/lgss/index.htm>



For More Information

NYS DEC, Region 7 Offices

5786 Widewaters Parkway,
Syracuse, NY 13214-1867

315-426-7403 Public Outreach & Education

315-426- 7438 Environmental Permits

<http://www.dec.ny.gov/about/615.html>

reg7info@gw.dec.state.ny.us



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